

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KEVIN WINSTON,

Plaintiff,

Case No. 07-12530

v.

Hon. John Corbett O'Meara

SOLAR STAMPING AND  
MANUFACTURING, L.L.C.,

Defendant.

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**ORDER OF PARTIAL DISMISSAL**

On June 13, 2007, Plaintiff filed a two-count complaint alleging race discrimination in violation of Title VII (Count I) and the Elliott-Larsen Civil Rights Act (Count II). Plaintiff does not allege that diversity jurisdiction exists.

Counts I is cognizable in this court pursuant to 28 U.S.C. § 1331. Count II, however, arises under state law. Pursuant to 28 U.S.C. § 1367(c), a district court may decline to exercise supplemental jurisdiction over state law claims raised in federal question cases. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). This court declines to exercise supplemental jurisdiction over Count II so as to avoid jury confusion. See id.

Accordingly, IT IS HEREBY ORDERED that Count II of Plaintiff's complaint is DISMISSED.

s/John Corbett O'Meara  
United States District Judge

Dated: July 5, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, July 5, 2007, by electronic and/or ordinary mail.

s/William Barkholz

Case Manager